

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**FRANKIE FULTON, DANIEL LUEVANO,
AND ALL OTHERS SIMILARLY SITUATED
UNDER 29 USC 216(B),**

Plaintiffs,

v.

BAYOU WELL SERVICES, LLC,

Defendant.

Civil Action No. 3:16-cv-474

**DEFENDANT’S RESPONSE IN OPPOSITION TO PLAINTIFFS’
MOTION FOR CONDITIONAL CERTIFICATION AND NOTICE**

Defendant Bayou Well Services, LLC (“Defendant” or “BWS”), files this Response (“Certification Response”) in Opposition to the Motion for Notice to Potential Plaintiffs and Conditional Certification (the “Certification Motion”) filed by Plaintiffs Frankie Fulton (“Fulton”), Daniel Luevano (“Luevano”), and Kaleb Baugh (“Baugh”) (collectively, “Plaintiffs”), as follows. A Brief in support of this Certification Response (as well as Defendant’s Motion to Dismiss) (the “Brief”) is being filed concurrently.

As set forth in the Brief, BWS opposes the Certification Motion because it is rendered moot by BWS’s Motion to Dismiss, and because the proposed collective seeks to include employees not similarly situated to Plaintiffs and/or about whom Plaintiffs offer no evidence. If the Court does not deny the Certification Motion, it should at minimum revise the collective definition to include only non-exempt pressure pumping field employees other than equipment operators from three years prior to the date of certification to the present, and should permit the parties to file additional briefing if they are unable to reach an agreement as to the form and procedure for providing notice.

Respectfully submitted,

VINSON & ELKINS L.L.P.

/s/ Douglas E. Hamel

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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 2016, a true and correct copy of the foregoing was filed electronically through the Court's CM/ECF System and was automatically copied to all parties through the Court's electronic filing system.

/s/ Douglas E. Hamel

Attorney for Defendant